



July 27, 2020

Barbara Neal
Executive Director
Vermont Enhanced 9-1-1 Board (the "Board")
100 State St., 4th Floor
Montpelier, VT 05620-6501

Dear Executive Director Neal and the Board:

Per the request in your email to stakeholders on July 23, 2020,¹ CTIA offers the following feedback in response to your inquiry regarding the impact to stakeholders of amending the proposed Board rule regarding outage reporting released on July 22, 2020 ("Proposed Rule") to reduce the amount of time allowed for carriers to file outage reports and restoration reports with the Board from two hours to one hour.

CTIA understands the Board's desire to supply affected parties with outage reporting information as soon as is reasonably possible, a goal shared by the wireless industry. However, the Board's requirements must respect the reality that outages (other than for maintenance) are unplanned and require time to assess and respond to, as well as the important understanding that carriers' first priority in an outage is marshalling all resources necessary to get service restored as soon as possible.

The proposal to reduce the filing time by half for outage and restoration reports, if adopted, would hamper restoration efforts. Further, the proposal is arbitrary and does not reflect the significant disparities between the Proposed Rule and both the federal outage reporting system and the emergency rule recently enacted in California, which precipitated this most recent rulemaking.

¹ See Email from Executive Director Neal re: Specific Input Requests on Time to Report Requirement (Jul. 9, 2020).



The Proposed Rule's current requirement that outage notifications be filed with the Board within two hours from discovery of the outage (or as soon as reasonably possible) is consistent with the Federal Communications Commission's ("FCC's") Network Outage Reporting System ("NORS") rules, which carriers have been, and are currently, complying with.² This compliance has demonstrated that a two-hour filing requirement for initial outage notification can work. For this reason (and many others), CTIA has repeatedly asked the Board to adopt rules based on the federal NORS rules.³ The Proposed Rule, however, imposes a number of requirements that go beyond the NORS standard and may require more time to comply with.

For example, the NORS rules only require an initial, electronic notification of an outage within two hours, with "a brief description of the problem; service effects; [and] the geographic area affected by the outage" in addition to time and contact information.⁴ In contrast, the Proposed Rule also asks carriers to provide, in the outage notification, the affected ZIP codes and an "associated readily-identifiable descriptive term" of the outage area, an approximation of the number of subscribers affected, an estimated date and time of restoration, and a description of the limitation of 911 calling capability.⁵ The more information required in a notification, the more work a carrier must do to collect and provide that information, and the more time required, potentially at the expense of restoration efforts.

The Proposed Rule's additional requirements for the initial "notification" make it far more similar to the "initial *report*" required by federal NORS standards, rather than a NORS "initial notification." And while the NORS rules require an initial notification within two hours, carriers are not required to submit a more fulsome initial report on the incident until *72 hours later*.⁶ The difference between the federal standards and

² See 47 C.F.R. §4.9(e).

³ See, e.g., Comments of CTIA Regarding Proposed 911 Outage Rules (Jan. 17, 2020), at 2-5.

⁴ 47 C.F.R. §11.

⁵ See Proposed Rule at §4.4.2. CTIA also notes that the federal NORS reports are submitted via a web portal that is easy to access and streamlines the information submitting process, whereas the Proposed Rule does not even indicate in what form carriers must submit their reports to the Board.

⁶ See 47 C.F.R. §4.9(e)(4).



the Proposed Rule is even more pronounced with regard to the required final report on an incident. NORS rules require a final report within *thirty days* of discovery;⁷ the Proposed Rule requires one within *two hours* of resolution,⁸ with the possibility that the Board may ask for more details at an unspecified, indefinite later time.⁹

Accordingly, the NORS rules are better than the Proposed Rule at acknowledging the different constraints existing at different stages of an outage: discovery, resolution, and postmortem assessment. Discovery of an outage creates time and resource pressure on carriers to restore the network and to determine the cause of the outage. After an outage is resolved it is important for carriers and the Board to assess the cause and impact of the outage, but there is no time pressure as the network is up and running. This is why the NORS rules limit the initial information that carriers must submit within two hours, and then leave carriers to the important business of restoring their networks rather than focusing on compliance paperwork. The Proposed Rule, however, already creates time pressures where none should exist, making it unreasonable for the Board to shorten its timeline further.

Because the requirements of the Proposed Rule cannot be tested until they are in the field, there is no way yet to know if its shortened timeframes are even possible for carriers to comply with. But to shorten them again prior to adoption, based on no record evidence or basis on applicable similar rules, only further decouples them from the federal standard and decreases the possibility that carriers will be able to meet the Board's standards.

CTIA acknowledges that the emergency rules for outage reporting recently adopted by the California Governor's Office of Emergency Services ("CalOES") have a one-hour submission requirement for initial notification of an outage,¹⁰ but important differences between the California rules and the Proposed Rule militate against

⁷ See *id.*

⁸ See Proposed Rule at §4.4.3. Executive Director Neal's July 23 e-mail states that the Board is also considering reducing to one hour the time for carriers to submit a restoration report.

⁹ See Proposed Rule at §4.5.

¹⁰ See Cal. Gov. Code §53122(c).



adopting a one-hour requirement in Vermont. Like the NORS rules, the California rules also require less information in the initial notification than the Proposed Rule. California requires only contact information, a description of the estimated area impacted (with ZIP codes), and the estimated time to repair¹¹ – not cause, description of limitation, or population estimates, as found in the Proposed Rule’s initial notification requirements (or callback numbers of affected consumers, as found in the Proposed Rule’s final report requirements.)¹² The California rules also allow for electronic submission of reports. Furthermore, the California rules just recently went into effect on an emergency basis. It is too soon for data on whether the requirements are workable in the field, and stakeholders and CalOES are still assessing operational and other issues before a final rulemaking can address any problems.

Finally, the outage and restoration reporting time requirements cannot be considered in a vacuum apart from other aspects of the Proposed Rule. For example, parties have not yet been able to fully assess the Proposed Rule’s revisions regarding protecting the confidentiality of outage and restoration reports, an issue that CTIA has previously expressed concern with.¹³ But without a presumption of confidentiality for outage and restoration reports, those reports must be subject to legal review prior to submission, meaning more parties must be involved and more time must be spent before reports can be filed.

For the reasons above, the Board should not adopt a one-hour requirement for reporting of an outage or its resolution. With the understanding that a further comment period is coming for overall feedback on the Proposed Rule, CTIA reserves comment on the remainder of the Proposed Rule until that time.

¹¹ See *id.*, also California Governor’s Office of Emergency Services, Title 19. Public Safety Text of Proposed Emergency Regulations §2480.3(c) (July 1, 2020).

¹² See Proposed Rule at §§4.4.2-4.4.3.

¹³ See, e.g., Letter from CTIA to the Board (re: July 9 Draft Rule) (filed July 17, 2020) at 2-4.



Sincerely,

/s/

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